

SUBCOMMITTEE NO. 4

Agenda

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<u>Item</u>	<u>Department</u>	<u>Page</u>
5525	California Department of Corrections and Rehabilitation	2
	Visiting and Family Connections.....	3
	Crosscutting Rehabilitation Programs.....	5
	Rehabilitation Programs: In-Institution.....	15
	Rehabilitation and Support Programs: Parole	24
	Substance Abuse Programs	31
	Health Care Issues.....	36
	Other Issues	43

State Administration—General Government—Judiciary—Transportation

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5525 California Department of Corrections and Rehabilitation

Background. The California Department of Corrections and Rehabilitation (CDCR) is responsible for the incarceration, training, education, and care of adult felons and non-felon narcotic addicts, as well as juvenile offenders. The CDCR also supervises and treats adult and juvenile parolees, and is responsible for the apprehension and re-incarceration of those parolees who commit parole violations. The department also sets minimum standards for the operation of local detention facilities and selection and training of law enforcement personnel, as well as provides grants to local governments for crime prevention programs.

The department operates 33 adult prisons, including 11 reception centers, a central medical facility, a treatment center for narcotic addicts under civil commitment, and a substance abuse facility for incarcerated felons. The CDCR also operates eight juvenile correctional facilities, including three reception centers. In addition, CDCR manages 13 Community Correctional Facilities, 44 adult and juvenile conservation camps, the Richard A. McGee Correctional Training Center, and 202 adult and juvenile parole offices.

In 2005, the CDCR was created pursuant to the Governor's Reorganization Plan 1 of 2005 and Chapter 10, Statutes of 2005 (SB 737, Romero). All departments that previously reported to the Youth and Adult Correctional Agency were consolidated into CDCR. The departments consolidated into the current CDCR are: the Youth and Adult Correctional Agency; the California Department of Corrections; the California Youth Authority; the Board of Corrections; the Board of Prison Terms; and the Commission on Correctional Peace Officers' Standards and Training.

Current Prison Population. Currently, there are approximately 172,000 inmates in the California state correctional system. About 166,000 inmates reside in institutions managed by CDCR. The majority of the remaining inmates are incarcerated in private community correctional facilities.

About 20 percent of the total prison population is inmates with life sentences, inmates with life sentences without the possibility of parole, and inmates condemned to death. This means that about 80 percent of the inmate population of nearly 138,000 inmates currently incarcerated will parole. According to the department, the average length of time an inmate serves in prison is about two years.

Current Parole Population. Currently, there are approximately 125,000 offenders under the supervision of parole. The majority of these offenders will be placed on parole for three years.

The department reports that, in 2005-06, parole returned about 67,000 parolees to prison on violations of the conditions of parole. Another 21,000 parolees were prosecuted for new crimes and were returned to prison. The total number of parolees returned to custody under these two categories represents about 70 percent of the total parole population for 2005-06.

Governor's Reducing Recidivism Plan. The Legislature appropriated \$52.8 million General Fund to the department to expand and initiate strategies to reduce recidivism in the 2006 Budget Act. The department submitted a recidivism reduction plan submitted to the Legislature in August 2006. This plan proposed funding 29 items. Some of the items were directly related to reducing recidivism and some of them were not. The funding for these strategies is proposed to increase to \$93.9 million in the budget year, a \$41.1 million increase in funding. The individual strategies that are part of the recidivism reduction strategies will be discussed in this agenda under the appropriate topics.

Visiting and Family Connections

1. Visiting and Family/Friend Connections

Background. A significant number of academic studies have found that there is a strong positive relationship between parole success and the maintenance of strong family ties while in prison. Research has shown that programs that are geared toward maintaining, establishing, or re-establishing general societal links such as family while incarcerated are critical to the success of an offender on parole. Visiting can also have a positive impact on inmate behavior while incarcerated.

Several years ago, CDCR reduced visiting due to budget reductions. The majority of CDCR institutions allow visiting only two days a week. Meanwhile, the total population at each of the department's institutions has increased significantly because of overcrowding. Some institutions now have over 7,000 inmates, but still limit visiting to two days a week. Historically, the department has allowed significantly more visiting than is currently granted.

Furthermore, because it is economically prohibitive for some families to physically visit CDCR institutions, many rely on the telephone to maintain strong family ties. The department's current telephone contract requires that inmates make collect calls to their families. These calls are extremely expensive for inmate families and are many, many times higher than regular telephone rates. This telephone contract also has a provision that generates about \$26 million in profit for the General Fund annually.

Reducing Recidivism Plan—Visiting. The recidivism reduction plan allocates \$4.5 million in the current year and \$5.2 million in the budget year to establish 61 positions to accommodate a third day of visiting at the following ten institutions:

- California Rehabilitation Center
- California Training Facility
- California State Prison, Solano
- Mule Creek State Prison
- California Institution for Men
- California Medical Facility
- California State Prison, Corcoran
- Centinela State Prison
- Substance Abuse Treatment Facility
- California State Prison, Los Angeles County

The funding and positions also support hiring social workers for each of the ten institutions listed above plus Central California Women's Facility and Valley State Prison for Women. The

funding also supports a bus once a month from northern and southern California that transports children to visit their mothers at the two women's facilities located near Chowchilla.

The department indicates that hiring of the social workers has been delayed and there was a delay in implementing the "get on the bus" program, but the latter program is now fully implemented.

Governor's Budget. The Governor's budget does not contain any proposals to further expand visiting.

Current Year Savings. Staff finds that there should be some savings in the current year due to delays in hiring the social workers and implementing the "get on the bus" program.

More Details Needed on Social Workers. The department indicates that it is providing a social worker at each visiting site with a third day of visiting to assist families in developing strategies to deal with various issues, including issues related to family reunification upon parole. Staff finds that additional information is needed about the services that the social workers will provide and how they will coordinate their efforts with parole staff at the institution in developing parole plans.

Staff Comments. Staff finds that the department's current visiting policies are not conducive to maintaining strong family connections. Given the volume of inmates at some institutions and the limited number of days for visiting, visits are often cut short and visitors are turned away. Furthermore, staff finds that individual institutions sometimes arbitrarily change or add rules related to visiting, thereby denying access to some visitors. These policies are not consistent with the department's rehabilitation mission. As stated above, research finds that strong societal links to family or friends may significantly reduce offender recidivism.

Furthermore, staff finds that the department's current telephone contract is contrary to the department's rehabilitation mission. The contract generates significant revenues for the General Fund from high priced phone calls between inmates and their families, which discourages family connections.

The visiting policies are currently the responsibility of the Division of Adult Institutions. The entire CDCR should be focused on actions it can take to reduce recidivism, but generally the Division of Adult Programs takes the lead on developing these efforts. Given this, it is unclear who in the department would take the lead on developing strategies that would improve visiting and the ability of offenders to continue strong family connections while incarcerated.

Staff Recommendation. Staff recommends that the Subcommittee take the following actions:

- Request that the department report, by May Revision, on savings in the current year related to delays in hiring social workers and implementing the "get on the bus program."
- Request that the department provide, by May Revision, information on the costs to extend a third day of visiting to ten additional institutions in the budget year.

Crosscutting Rehabilitation Programs

1. Expanding and Implementing Quality Programs

Background. As mentioned above, \$52.8 million General Fund was added to CDCR's budget for various strategies to reduce recidivism. A plan for expending this funding was delivered to the Legislature after the funding was approved in August 2006.

Governor's Budget. The Governor's budget proposal includes \$41.1 million in additional expenditures to build on and expand funding provided in the current year.

Overall Evidence Based Strategy Needed. The department's overall approach to rehabilitation has suffered for many years and the department is currently in a state of rebuilding. As is demonstrated later in this agenda, the department decided to pursue numerous strategies to improve programming provided by the department and expand the programming opportunities available. However, the current approach is currently lacking a research and evaluation strategy to ensure that programs and services can be evaluated and funding can be appropriately targeted to the programs that are the most cost effective at reducing recidivism.

Staff finds that the department currently does not have adequate systems for tracking participation and outcomes of the programs it is implementing. Furthermore, the current information technology proposal (Strategic Offender Management System) does not include an education and program tracking component. Staff finds that a good tracking system is paramount to developing evidence based cost-effective programming strategies.

Who gets it done? Staff finds that there is some confusion about who in the department is responsible for: (1) identifying the programming needs at an institution, (2) identifying programming space at the institution, (3) identifying unique opportunities for programming based on employee or community resources, and (4) the on-the-ground implementation of programming at the institution. The current system seems to be an ad hoc mix of the warden and programming staff at headquarters. Staff finds that more needs to be done to clarify the relationship between programming staff at headquarters, the warden, the principal at the institutions, and the mission based associate directors in ensuring appropriate programming is implemented at the institutions.

Furthermore, it is unclear what the process is for duplicating a good program at one prison to other prisons.

A significant amount of coordination is needed at all levels of the department in order to get programming implemented and staff finds that the institutions should be involved early on to identify potential issues with implementing and expanding programs.

Staff Recommendation. Staff recommends that the Subcommittee take the following actions:

- Request that the department report, by May Revision, on its plans to put an information technology system in place that will enable data collection so that its rehabilitative programming efforts can be continually evaluated.

2. Expert Panel

Background. The Legislature approved \$900,000 and budget bill language in the 2006-07 Budget Act to fund an expert panel to review the current state of programming within CDCR and make recommendations for improving the programming delivered to inmates and parolees. The Expert Panel is made up of a diverse group of stakeholders including members of academia and correctional managers from other states.

Governor's Budget. The Governor's budget does not provide additional funding for this one-time effort.

Staff Comments. The department indicates that the report should be completed by the required deadline of June 30, 2007. The report will include an assessment of the department's current programs and a blueprint for a model correctional program. This information should help in determining the best use of programming dollars. Staff finds that additional information is needed on how the \$900,000 has been allocated in the development of this report.

Staff Recommendation. Staff recommends that the Subcommittee take the following action:

- Request that the department provide a detailed accounting for how the expert panel funding has been allocated in the current year.

3. SB 618 Program—Case Management Approach

Background. Legislation (SB 618, Speier) enacted in 2005 encourages CDCR to participate, with interested counties, in developing and implementing plans to transfer the duty of needs and risk assessments to the county probation departments and courts. The legislation authorized the department to pilot this project in three counties.

So far, the department has developed a multi-agency plan in San Diego County to transfer the inmate screenings done at CDCR reception centers to the county, with the exception of medical screenings. Under this contract, the county will develop a more comprehensive "life plan" for the offenders in this program that will be tracked by a case manager throughout incarceration and parole.

The inmates participating in this program will be transferred to Richard J. Donovan Correctional Facility in San Diego County for the period of their incarceration and will be provided the services they need as defined by their life plan. This program is limited to non-violent offenders.

Reducing Recidivism Plan—SB 618. The department has reported that, as part of its reducing recidivism plan, it has allocated funding to implement the SB 618 program in San Diego County

in the current year and continue the effort in the budget year. The figure below summarizes the funding for this program:

Reducing Recidivism Proposal:					
SB 618					
<i>In Thousands</i>	2006-07		2007-08		
	Dollars	Positions	Dollars	Positions	
Contract with San Diego County	\$1,656	0.0	\$3,295	0.0	
Contract for Project Manager	250	0.0	250	0.0	
Contract for Data Technical Services	17	0.0	50	0.0	
Training	188	0.0	505	0.0	
Software	500	0.0	0	0.0	
Travel	75	0.0	75	0.0	
Headquarters Staff	248	2.6	555	6.0	
RJ Donovan Correctional Officer Positions	178	2.7	188	3.0	
RJ Donovan Equipment	135	0.0	135	0.0	
CIW Social Worker Positions	177	2.7	182	3.0	
Total	\$3,424	8.0	\$5,235	12.0	

Governor's Budget. The Governor's budget proposal does not include any other proposals related to this program.

Program Has Had Slow Start. The department indicates that implementation of this program has been delayed due to issues raised by the federal court-appointed Receiver over medical care and space issues at the institution. Due to delays, the program did not start until April 2007. So far, 17 inmates are participating in the program. The department estimates that four to six additional inmates will be added to the program each week. Furthermore, the department has identified four vocational programs and academic programs that will deliver needed services to the inmates in this program. Staff finds that, given the delays in the current year, there should be some savings in the current year.

Potential Benefits of Case Management Approach. Staff finds that one of the unique components of this program is the case management approach of the program. The department has indicated that a case manager has been assigned to each inmate and this case manager will be responsible for getting the inmate the skills and services that are recommended in his or her life plan. The consistency inherent in this approach is unique in CDCR where there are few consistent contacts for offenders that are responsible for making sure they get the programming they need.

Staff Recommendation. Staff recommends that the Subcommittee take the following actions:

- Request that the department provide additional information about the contract with San Diego County.
- Request that the department report, by May Revision, on savings in the current year related to delays in implementing this program.

4. Re-Entry Partnerships

Background. As discussed at the April 12 hearing of this Subcommittee, re-entry facilities could significantly help in preparing inmates for parole. This mission is more difficult at a “mainline” institution where inmates are separated by classification and not by the amount of time they have left on their sentence before parole. Furthermore, bringing inmates closer to the community where they will parole can help to strengthen family bonds and/or coordinate with community services that will provide a more secure safety net for the inmate upon release. These facilities could also work well for short-term parole violators that return to prison for violations that carry a relatively short commitment term.

Reducing Recidivism Plan—Re-entry Partnership Initiative Project. As part of the reducing recidivism plan, the department allocated funding to the parole division to develop re-entry partnerships with cities and counties to construct re-entry facilities. The figure below summarizes the funding for this effort.

Reducing Recidivism Proposal:				
Re-entry Partnership Initiative Project				
<i>In Thousands</i>	2006-07		2007-08	
	Dollars	Positions	Dollars	Positions
Additional Parole Agents	\$447	4.6	\$739	8.0
Additional Support Staff	103	1.4	138	2.0
Contracts for Space and Services	750	0.0	750	0.0
Total	\$1,300	6.0	\$1,627	10.0

Reducing Recidivism Plan—Re-entry and Recidivism Office. As part of the reducing recidivism plan, the department allocated funding to create a new Re-entry and Recidivism Office. The figure below summarizes the funding for this effort.

Reducing Recidivism Proposal:				
Re-entry and Recidivism Office				
<i>In Thousands</i>	2006-07		2007-08	
	Dollars	Positions	Dollars	Positions
Additional Staff	\$1,202	12.5	\$1,551	16.0
Contracts for Expert Consultants	776	0.0	776	0.0
Project Management Consultants	250	0.0	0	0.0
Training in Master Plan Development	45	0.0	45	0.0
Policy Development Workshops	100	0.0	100	0.0
Travel	168	0.0	168	0.0
Computers, Software and Training	150	0.0	150	0.0
Supplies and Printing	50	0.0	50	0.0
Total	\$2,741	12.5	\$2,840	16.0

Governor's Budget. The Governor's budget proposal includes \$1.6 billion in lease-revenue bonds or contracting authority to construct up to 7,000 beds in coordination with local governments for inmates nearing their parole date and revoked parolees. These facilities would be designed to provide additional re-entry services for inmates before they are paroled into their communities.

The Governor's budget proposal also includes \$77,000 General Fund to fund one position to support the Re-entry Advisory Committee created by legislation (AB 3064, Public Safety) enacted in 2006. This committee would advise the Secretary on all matters related to the successful statewide planning, implementation, and outcomes of re-entry programs and services offered by CDCR.

Funding for Re-entry Partnership Initiative Redirected. Staff finds that the department has redirected some of the funding provided for the re-entry partnership initiative project to support activities not related to the development of partnerships to construct re-entry facilities. Specifically, the department has indicated that this money has been used to support a gang suppression task force in Los Angeles. This effort does not support reducing recidivism and is not consistent with the purpose of the original appropriation of funds.

The department has used some of these funds to support the development and issuance of a Request for Information to cities and counties regarding their interest in developing re-entry partnerships with the department. As of April 2007, the department has confirmed interest from 17 counties and seven cities.

Role of Re-Entry and Recidivism Office Unclear. Staff finds that the Re-entry and Recidivism Office cannot be found on the department's most recent organization chart. Furthermore, it is unclear how these staff and this funding relate to the funding provided for the Re-entry Partnership Initiative Project. Furthermore, staff has not been provided additional information on what this office plans to do with these staff and funding.

The department indicates that it has recruited and hired some positions for this office. However, because they are requesting to hire peace officer positions at headquarters, additional approvals are needed. Staff finds that some savings are likely in the current year because of delays in hiring staff.

It is also unclear what the funding for expert consultants will be used for in the current year and the budget year. Staff also finds it unusual that computer equipment and training for master plan development need to be funded in both the current year and budget year.

Staff Recommendation. Staff recommends that the Subcommittee take the following actions:

- Request additional information on how the funding for the Re-Entry Partnership Initiative has been expended in the current year.
- Delete funding for the Re-Entry Partnership Initiative in the budget year since it does not support reducing recidivism.

- Delete funding for the Re-entry Office until the department can provide information on who they will report to, what they will be responsible for, and how they will coordinate with the Re-Entry Advisory Committee.
- Approve budget proposal for the Re-Entry Advisory Committee.

5. Office of Research

Background. The department used to have a significant research office that conducted correctional research on and contracted for corrections research on best practices to improve public safety and reduce recidivism. However, budget reductions reduced the department's research staff, leaving the bare minimum in research capacity.

Reducing Recidivism Plan—Research. As part of the reducing recidivism plan, the department allocated additional funding to rebuild its research office. The figure below details how the department proposes to allocate the funding in the current and budget years.

Reducing Recidivism Proposal:					
Research <i>In Thousands</i>	2006-07		2007-08		
	Dollars	Positions	Dollars	Positions	
Research Staff for Adult Program Plans	\$82	1.0	\$89	1.0	
Research Staff for External Collaborations	93	1.0	99	1.0	
Research Staff for Program Evaluation	372	4.0	372	4.0	
Contract Funding for Program Evaluation	1,000	0.0	1,000	0.0	
Research Staff for Basic and Applied Research	93	1.0	99	1.0	
Contract for Needs/Services Gap Research	140	0.0	70	0.0	
Contract for Gender Responsive Research	140	0.0	80	0.0	
Other Research Staff	443	4.8	471	5.0	
Contract for Fellows Program	288	0.0	480	0.0	
Research Staff for Program Enhancement	349	4.0	349	4.0	
Operations Expenditures and Equipment	506	0.0	506	0.0	
Total	\$3,506	15.8	\$3,615	16.0	

Governor's Budget. The Governor's budget proposal does not include additional funding to augment the department's research efforts.

Staff Comments. Staff finds that good research is necessary to implement evidence based programs and practices. However, little information has been provided to staff to describe what will be accomplished with these additional research funds.

Furthermore, since the department has not had many research staff in recent years, many programs and divisions have entered contracts for research without going through the Office of Research. It appears that some attempt to coordinate these research efforts are needed.

There is a need for a research component for nearly every one of the department's programs and practices. Staff finds that this proposal helps to address the void that currently exists.

In addition, staff finds that an annual report summarizing the department's research efforts would provide useful oversight information to the Legislature.

Staff Recommendation. Staff recommends that the Subcommittee take the following actions:

- Request that the department report by May Revision on the mission and current research objectives of the research program.
- Request that the department report by May Revision with a strategy to coordinate all of the research contracts managed by various divisions within the department.
- Request that staff, the department, LAO, and DOF develop an annual reporting requirement for the research department.

6. Right Prison Right Mission

Background. The Right Prison Right Mission effort was developed a few years ago to attempt to determine what population was best suited to each institution based on location, physical plant, and other factors and then to realign the missions of the institutions and inmate populations accordingly. The department has developed a plan to realign the mission of some institutions, but the department indicates that implementation of the plan has been delayed because of the current overcrowding conditions and the lack of "swing space" that is necessary when changing the mission of housing units and moving inmates. Furthermore, compliance with various court cases including *Plata* and *Coleman* has complicated this process as the courts develop plans that will significantly change the mission of some institutions.

Reducing Recidivism Plan—Right Prison Right Mission. As part of the reducing recidivism plan, the department allocated \$350,000 in the current year to fund the Right Prison Right Mission effort.

Governor's Budget. The Governor's budget proposal does not include any proposals specifically related to this effort.

The population estimate does include funding to complete the conversion of a yard at Chuckawalla Valley State Prison to a Sensitive Needs Yard. The request is for an additional 6.2 correctional officer positions to provide visiting room security and appropriate escorts for inmates that attend programs outside of their yard.

Staff Comments. Staff finds that the department did not use the funding allocated to the Right Prison Right Mission effort for this purpose. The department indicates that this funding was used to support temporary help to plan for dealing with the overcrowded conditions.

Staff recognizes that the department's overcrowded conditions have reduced the department's flexibility in managing the population. However, a plan such as Right Prison Right Mission

could improve the safety of the institutions and improve the rate at which inmates could program.

Staff Recommendation. Staff recommends that the Subcommittee take no action at this time because, at a March 15 hearing, the Subcommittee requested the following from the department:

- Requested that the department develop and report to the Subcommittee, before May Revision, on strategies to improve population management efforts, including the Right Prison Right Mission effort.

7. Pre-Release Programs

Background. The department currently offers some classes for inmates, in the months prior to release, that are intended to provide them some of the key skills needed to enter the world of work as well as realistic expectations about life on parole. One pre-release program is operated by the department's education office. Another in-prison program, known as the Offender Employment Continuum, is operated by the parole division. The latter program previously included a post-release employment component. However, this component of the program was eliminated by CDCR due to the anticipated loss of federal funding.

The department has reported that, as of December 2006, approximately 1,300 inmates were in the pre-release program operated by the education office. The LAO estimates that about 11,000 inmates participate in this program annually. The LAO reports that only 2,400 inmates participate in the Offender Employment Continuum program annually. The department allocated \$9.8 million to these programs in the current year.

As discussed at the April 23, 2007 hearing of this subcommittee, the department also has the Parole, Planning, and Placement program that utilizes the COMPAS tool to assess inmate risks and needs before they are paroled. This tool identifies the recommended level of supervision and the types of services the parolee would benefit from once released.

Reducing Recidivism Plan—Estelle Transitional Program. The department has reported that \$420,000 has been allocated to support one position in the current year to fund a pilot of the Estelle Transition Program at Pelican Bay State Prison. This program provides computer-based pre-release programming to inmates that will parole out of the Security Housing Unit (maximum-security administrative segregation unit) at Pelican Bay State Prison. The department proposes to continue to fund the one position to manage this program in the budget year with \$82,000.

Reducing Recidivism Plan—Pre-Parole Planning. The department has reported that it has allocated \$2.8 million and six positions to contract for services that will assist inmates in applying for federal and state benefits for which they are entitled, prior to release. These benefits include veteran benefits, social security, and supplemental security income. The department plans to expand this program in the budget year to provide \$4.7 million for these contracted services and to support seven positions to manage the contract and provide other support to the program.

Governor's Budget. The Governor's budget includes \$400,000 General Fund (\$1.3 million over a four-year period) to fund legislation (AB 1988, Chan), enacted in 2006, to support a pilot

program in Alameda County to reduce recidivism. The funding will support a pre-release assessment component and provide the parolee with wrap-around services.

Current Year Savings. Staff anticipates that there will be some savings in the current year due to delays in contracting to provide pre-parole services.

Pre-Release Programs Could be Enhanced. The LAO finds that the current capacity for pre-release programs is too limited and can only be offered to one in ten inmates prior to their release. Furthermore, staff finds that there are few incentives for inmates to participate in these programs because they usually have to quit paid prison jobs to enroll in these programs. In addition, it is not clear that the content of these courses delivers skills and information that helps reduce recidivism because the pre-release programs offered by the education division have not been evaluated.

The relatively smaller Offender Employment Continuum program run by the parole division has been evaluated with positive results (16 percent reduction in recidivism). However, since the post-parole component of this program has been eliminated, it is unclear if the evaluation remains relevant.

Staff Comments. Staff finds that many offenders would benefit from programs in the institution that provide direct links to housing, jobs, or other services. For example, some community-based programs meet with the offender in prison and pick them up when they are released. It is unclear whether this will be the level of services provided in the Alameda County pilot project.

Staff Recommendation. Staff recommends that the Subcommittee take the following actions:

- Request that the department provide, by May Revision, savings estimated from the delays in contracting for pre-parole services in the current year.
- Request that the department provide, by May Revision, information on what it would take to re-establish the post parole component of the Offender Employment Continuum.
- Request that the department provide, by May Revision, information on how it will manage the Alameda project and whether it can be managed through an existing program.

8. Female-Specific Programming

Background. After the reorganization of CDCR in 2005, there has been significantly more focus on implementing strategies and programming that are specifically geared towards female offenders. Under the reorganization, an Associate Director of Female Offender Institutions was created to ensure that practices and programming implemented was appropriate for females.

Reducing Recidivism Plan—Gender Responsiveness. The department's recidivism reduction plan includes a significant initiative to design and implement evidenced based, gender specific rehabilitative services to enhance female offender programming success. The figure below summarizes the efforts proposed for funding.

Reducing Recidivism Proposal:				
Gender Responsiveness				
<i>In Thousands</i>	2006-07		2007-08	
	Dollars	Positions	Dollars	Positions
Develop female appropriate risk/needs assessment.	\$200	0.0	\$125	0.0
Develop female appropriate classification system.	150	0.0	0	0.0
Increase Family Reunification: Special Parent/Child Visits and Baby Nursery for Pregnant Inmates	614	1.0	334	1.0
Develop contracts for multi-service residential center beds for female parolees.	108	0.0	533	3.0
Develop and implement a 200 bed gender responsive substance abuse and trauma program at Leo Chesney CCF.	1,154	1.0	1,049	1.0
Training for staff on female offenders.	718	0.0	718	0.0
Study of victimization and female offenders.	25	0.0	0	0.0
Staffing analysis for female institutions.	50	0.0	200	0.0
Total	\$3,019	2.0	\$2,959	5.0

Funding for the multi-service residential center beds is proposed to be \$1.6 million in the current year and \$13.2 million in the budget year to provide 575 beds statewide for female parolees. The funding for this program is contained in the Residential Services section of the reducing recidivism plan.

Reducing Recidivism Plan—Life Skills Development. The department's recidivism reduction plan also includes \$125,000 in the current year to develop, print, and purchase the following gender specific curricula:

- Women's Conflict Anger Lifelong Management
- Women's Parenting
- Women's Health and Nutrition
- Women's Re-Entry Resources
- Women's Fitness
- Women's Substance Abuse Recovery

Several of these curricula have been developed and are currently being piloted in programs at the Valley State Prison for Women.

Governor's Budget. The population estimate contained in the Governor' budget proposal includes \$3.8 million General Fund to activate a 35-bed community based facility in Fresno and to lay the ground work for developing 4,350 additional beds in community facilities for female offenders. These community facilities will provide wrap-around services to meet the specific needs of the female offenders.

Current Year Savings. Staff finds, that because of delays in implementing the new substance abuse program at Leo Chesney Community Correctional Facility, there may be some savings in the current year.

Staff Recommendation. Staff recommends that the Subcommittee take the following actions:

- Request that the department report, by May Revision, on estimated savings in the current year from delays in implementing the gender responsiveness initiative.
- Hold open the Governor's proposal to fund the female beds that are contained in the population estimate pending the May Revision.

Rehabilitation Programs: In-Institution

1. Basic Education Programs

Background. The department has some basic education classes at nearly all of its 33 institutions. The exceptions are North Kern State Prison, Wasco State Prison, and Deuel Vocational Institution that currently have no basic education programs. Each of these three institutions have reception center missions.

The department reports that the average reading level of all inmates in prison is less than a seventh grade reading level.

The figure below summarizes the total population that is currently enrolled in basic education programs at the department, which is less than 9 percent of the inmate population that will be paroled.

	Number of Students
In-Institution Adult Basic Education Programs	Dec-06
English Language Development	1,274
Adult Basic Education I	2,210
Adult Basic Education II	3,376
Adult Basic Education III	2,500
General Education Development	1,983
High School	371
Total	11,714

Reducing Recidivism Plan—Basic Education Components. The department has reported that basic education components of the recidivism reduction plan will fund two different efforts. These efforts include the following:

- **Risk/Needs Assessment.** The department proposes to use the Correctional Offender Management Profiling for Alternative Sanctions or COMPAS risk/needs assessment tool to assess offenders as they enter prison at four reception centers. (Parole is currently assessing inmates prior to parole.) This assessment will give the department some indication of the basic educational and job training needs of the offender. The department indicates that the assessment will be done at four reception centers (Deuel Vocational Institution, Richard J. Donovan Correctional Facility, California Institution for Men and Valley State Prison for Women) starting in June 2007.
- **Additional Education Assessments.** The department also proposes to institute a full battery of education assessments including Tests of Adult Basic Education (TABE), Comprehensive Adult Student Assessment System (CASAS), and Interest Determination, Exploration, and Assessment System (IDEAS). These assessments will provide more information on the educational needs of the offender. The department plans to roll out these assessments at the same four reception centers by August 2007, pending the identification of space at the institutions.

Below is a summary of how the department indicates the funding will be allocated in the current year and the budget year. (It is unclear to staff what the Individualized Comprehensive Life Plan funding is now being spent on since the department has decided to utilize the COMPAS risk/needs assessment tool that was already being used by parole.)

Reducing Recidivism Proposal:				
Inmate Education				
<i>In Thousands</i>				
	2006-07		2007-08	
	Dollars	Positions	Dollars	Positions
Individualized Life Plan Development	\$1,000	0.0	\$1,000	0.0
Additional Teachers	812	11.0	1,634	22.0
Additional Office Assistants	704	16.5	1,426	33.0
Educational Materials	142	0.0	142	0.0
Other Supplies and Printing	431	0.0	481	0.0
Total	\$3,089	27.5	\$4,683	55.0

Governor's Budget Proposal. The Governor's budget proposal includes \$4.9 million General Fund to provide schedule and pay parity with the Division of Juvenile Justice for all teachers and vocational instructors in adult institutions. The actual cost of this proposal is \$36.6 million, but the administration proposes to redirect salary savings from teacher vacancies to fund the majority of the proposal.

Education Programs Essential Element of Rehabilitation. The LAO finds that education programs are, in general, less cost-effective than vocational programs in reducing recidivism. The LAO notes that the department currently spends nearly twice as much on academic education as vocational training programs. However, they also note that educational programs are an essential building block for some inmates that lack basic literacy and English language skills that are needed to be successful in vocational programs. Furthermore, a GED is a requirement for many jobs and training programs.

Funding for Teacher Raise Not Transparent. The administration's proposal to use salary savings from vacant teacher positions is not transparent since the department will intentionally have to hold the vacant teacher positions as vacant to fund this proposal. Furthermore, staff finds that the main reason for instituting raises to the teacher classification outside of the bargaining process is to fill vacancies and retain staff. The department will not be able to fill vacancies if the funding for these positions is supporting the teacher pay of the filled positions.

Furthermore, the department indicates that it is currently funding a substitute teacher pool with redirected vacant positions. Staff finds that maintaining a substitute teacher pool is important to keeping classrooms open, but the current mechanism for funding the pool is not transparent.

Teacher Vacancies High. The department reports that over 20 percent of CDCR's teacher positions are vacant and recruitment has been difficult because of the relatively low pay and schedule. Staff finds that the new schedule that aligns the teacher's schedules with a regular school year and the pay raises should help to reduce vacancies and avoid losing teachers.

Incentives to Complete Education Needed. Staff finds that basic education programs provide inmates with skills that are essential to reintegrating into the community. These skills include basic literacy and basic math skills. The department reports that over 50 percent of the inmates are employed in jobs at the prisons. These jobs can range from Prison Industry Authority jobs, construction projects, custodial jobs, to kitchen duty. Inmates often cannot have a job and participate in an educational program. Since inmates are paid a nominal amount for their job there is actually a disincentive for many inmates to participate in an education program.

Staff finds that incentives could be implemented by the administration that provide better jobs or vocational placements for inmates that have completed basic education programs. These incentives would also help in encouraging inmates to complete their basic education programs in a timely manner and without the fear that if they complete their basic education program they will have no other programming options.

Computers Not Utilized. Staff finds that computers could be utilized to improve the department's ability to increase literacy among the inmate population. Currently, the department does not utilize computers in their education programs. Staff finds that computer literacy programs and other computerized programs can allow for more individualized programs that will enable inmate students to progress in a way that may not be possible in a classroom setting. Furthermore, basic computer skills are now an important basic skill that could help improve the offenders' reintegration into the community.

Staff Recommendation. Staff recommends that the Subcommittee take the following actions:

- Request that the department report, by May Revision, on a strategy to fill vacant teacher positions.
- Request that the department report, by May Revision, on strategies to encourage inmates to participate in basic education programs.

2. Vocational/Job Skill Development Programs

Background. The department currently has approximately 29 different vocational programs that provide training and job skills that may help inmates with employment opportunities when they parole. Most of the institutions had some vocational programs as of December 2006, with the exception of seven institutions. Deuel Vocational Institution, High Desert State Prison, North Kern State Prison; Richard J. Donovan State Prison, California State Prison, Sacramento, Salinas Valley State Prison, and Wasco State Prison did not have vocational programs. However, these institutions all have either reception center missions or house inmates that are classified as Level IV inmates (inmates with the highest risk for violence).

The figure below summarizes some of the major vocational programs at the institutions as of December 2006. The department estimates that about 8,900 inmates were involved in vocational programs as of December 2006, which is about 6 percent of the inmate population that will be paroled.

In-Institution Vocational Programs	Number of Students Dec-06
Office Services and Related Technologies	1,697
Electronics	744
Janitorial	611
Landscape Gardening	581
Graphic Arts	548
Welding	534
Auto Mechanics	497
Auto Body	446
Other	3,228
Total	8,886

Reducing Recidivism Plan—Vocational and Life Skills Education Expansion. The department has reported that the funding for this component of the plan will be utilized to expand vocational programs across the state. The department is in various stages of activating 19 new vocational programs that will accommodate about 500 student/inmates at eight institutions.

The department indicates that it has also initiated efforts to restore 18 vocational programs at four high security prisons. These additional vocational programs should be able to accommodate another 500 student/inmates.

The department also planned to hire two educational program consultants to ensure that the vocational programs are up to date and consistent with industry standards. The figure below summarizes the funding to implement this effort.

Reducing Recidivism Proposal:				
Vocational and Life Skills Education				
<i>In Thousands</i>	2006-07		2007-08	
	Dollars	Positions	Dollars	Positions
Vocational Instructors	\$700	9.5	\$1,410	19.0
Vocational Equipment	935	0.0	10	0.0
Educational Materials	38	0.0	38	0.0
Supplies	190	0.0	190	0.0
Educational Program Consultant	189	2.0	189	2.0
Total	\$2,052	11.5	\$1,837	21.0

Reducing Recidivism Plan—Carpenter Pre-Apprenticeship Program. The department also proposed allocating \$322,489 in the current year and budget year to support four correctional officers to enable the department to expand the carpenter pre-apprenticeship program at Folsom State Prison to about 130 inmates. This program allows inmates to obtain pre-apprenticeship certification through a local carpenter's union. The inmates that complete this program will be admitted to the union one step above entry level after they have paroled. This program is operated by the Prison Industry Authority.

Governor's Budget. The Governor's budget does not include any proposals to further expand vocational/job skill development programs.

More Apprenticeship Programs Needed. Staff finds that the carpenter pre-apprenticeship program is preferable to other vocational programs because it provides a direct link to a specific employment opportunity for an inmate upon parole. Other vocational programs do not have this link. Staff finds that the department should do more to develop these types of relationships with unions and industries so that inmates may have more direct links to employment upon parole.

Vocational Programs Cost Effective. The LAO cites that correctional research finds that vocational programs are among the most cost effective programs for reducing recidivism. The LAO notes that CDCR currently does not evaluate its vocational programs to determine their impact on recidivism. Furthermore, the LAO also finds that the current capacity of existing programs is too limited. As mentioned above, the department only has room to accommodate less than 6 percent of the inmate population that will definitely parole from prison.

Need for Custody Staff Unclear. Staff finds that the proposal to expand the carpenter pre-apprenticeship program at Folsom State Prison includes additional correctional officers to assist in expanding this program. Staff assumes that these officers are needed to ensure inmates get to and from the program safely and without contraband. Staff finds that the department has not requested additional correctional officers for the expansion of the vocational programs and it is not clear whether they are needed for these programs to properly function.

Staff Recommendation. Staff recommends that the Subcommittee take the following actions:

- Request that the department identify a strategy, by May Revision, to expand the apprenticeship program.

- Request that the department report, by May Revision, on the need, if any, for custody staff to ensure that vocational programs operate.

3. Anger Management and Self-Help

Background. The department indicates that, as of December 2006, it had 230 inmates participating in conflict/anger management courses. This is less than two-tenths of one percent of the inmate population that is eligible to parole. It is unclear whether the programs currently implemented by the department are evidenced based.

The department also has small self-help programs at some institutions that are often led by volunteer resources, including victim reconciliation programs.

Reducing Recidivism Plan—Life Skills Development. The department has reported that a part of their recidivism reduction plan is to allocate \$160,000 in the current year and budget year to purchase the curriculum for Impact of Crime on Victims from the federal Office for Victims of Crime. The department indicates that the curriculum will not be completed until November 2007 and the funding allocated to this effort in the current year is not needed.

Governor's Budget. The Governor's budget does not include any proposals to expand anger management and other self-help programs.

Staff Comments. A large number of inmates in state prison are heavily affected by gang culture and the attitudes and beliefs that are part of this culture. Furthermore, many inmates have problems dealing with anger. While some inmates in the Mental Health Delivery System may be receiving anger management counseling, staff finds that there are few to no opportunities for this type of therapy in the general population.

Furthermore, it is not clear to staff how the Impact of Crime on Victims curriculum will be used if it is purchased. There will be savings in the current year because the department indicates that the updated curriculum will not be completed in the current year.

Staff Recommendation. Staff recommends that the Subcommittee take the following actions:

- Request that the department report, at May Revision, with the savings estimated in the current year related to the Victims curriculum that will not be purchased until the budget year.
- Request that the department report, by May Revision, on a strategy to increase the anger management and self-help programs available to inmates.

4. Volunteer Programs

Background. Numerous prisons (mainly those located in more urban areas) have significant volunteer resources from surrounding communities. Volunteers run a vast array of programs for inmates. The programs range from a college program at San Quentin to various religious programs and victim reconciliation programs.

Reducing Recidivism Plan—Community Partnership Managers. The department has reported that a part of their recidivism reduction plan is to allocate \$179,000 in the current year and \$308,000 in the budget year to hire three community partnership managers at San Quentin State Prison, Folsom State Prison, and Avenal State Prison. These managers will plan, organize, and coordinate community resources to better deliver volunteer services and programs to inmates.

Governor’s Budget. The Governor’s budget does not include any proposals to expand this pilot project.

Staff Comments. Staff finds that all institutions had community partnership managers before budget cuts reduced these positions. Staff finds that these managers can be helpful liaisons between the community and the prison and provide coordination for community volunteer resources. Staff finds that the leadership at some institutions currently does not provide enough time and attention to the value of community resources, which results in discouraging volunteer programming efforts. In some communities, volunteer resources can be significant and can help to supplement state programming efforts that are only provided to a relatively small percentage of the inmate population.

Furthermore, staff finds that the community partnership managers can also help arrange ways in which inmates can help the communities where the prisons reside. For example, these managers can help organize community works projects done by inmate-work crews or other projects that give back to the community. Staff finds that if these programs are properly designed they not only benefit the community, but can also provide inmates with self-worth and self-esteem issues that have contributed to their criminogenic behavior.

Staff finds that developing strong relationships with the communities near prisons can be a “win-win” situation for the prison (staff and inmates) and the community and should be a priority for the department. However, under the current proposal, only three of the 33 adult institutions and nine of the juvenile institutions have community resource managers. This means that these efforts have to be undertaken by other management staff at the institution and it is unclear that these efforts are a priority at this time.

Staff Recommendation. Staff recommends that the Subcommittee take the following actions:

- Request that the department report, by May Revision, on adding Community Resource Managers at another ten institutions in the budget year.
- Request that the department report on a strategy for developing Community Resource Manager Plans that will enable headquarters and the Legislature to determine what the Community Resource Managers are doing for the institution and inmate population.

5. In-Prison Programs: Special Populations

Background. The department’s plan to reduce recidivism also included programming opportunities for certain special populations in state prison. In most cases, these funds are being used to start new programs to serve populations with services that are not currently available.

Reducing Recidivism Plan—In-Prison Sex Offender Treatment Program. As part of the reducing recidivism plan, the department allocated \$50,000, in the current year, to leverage \$250,000 in federal funds to identify best practices for sex offender treatment programs being used nationally and identify in-prison sex offender treatment programs to be used in California. No funds are proposed to be allocated to this effort in the budget year.

Reducing Recidivism Plan—Alternative Education. As part of the reducing recidivism plan, the department has allocated \$1.2 million in the current year and budget year to support 16 positions to deliver adult basic education to inmates that are part of the Enhanced Outpatient Program (inmates diagnosed with a serious mental disorder) at eleven different institutions. Inmates that are part of the Enhanced Outpatient Program have not generally had the opportunity to participate in basic education programs. The department plans to deliver the education programming in smaller group classes.

Reducing Recidivism Plan—Health Care Services. The department allocated \$25,000, in the current year, to develop a Behavior Management Program for the mental health population using a Dialectical Behavior Therapy approach. This therapy was originally created to treat individuals with borderline personality disorder and to develop core mindfulness skills, emotion regulation skills, interpersonal effectiveness skills, and distress tolerance skills. Funds were used to develop a program and train staff in this therapy approach.

Governor’s Budget. The Governor’s budget proposal does not include additional proposals to augment programming to special populations within CDCR.

Staff Comments. Recent legislation (SB 1178, Alquist) required that the department pilot a program to provide in-prison treatment to sex offenders. The department has not allocated funding to provide this treatment in the budget. This issue was discussed at the April 23 hearing of this Subcommittee.

Staff Recommendation. Staff recommends that the Subcommittee take no action at this time since the Subcommittee requested the following at the April 23 meeting of the Subcommittee:

- Request that the department report, by May Revision, on the findings of the \$50,000 allocated in the current year to survey best practices of in-prison sex offender treatment.

6. Other In-Prison Programs

Background. The department identified various other initiatives to start or enhance various in-prison programs or facilities that provide programming, services, and skills to inmates.

Reducing Recidivism Plan—Peer Education. As part of the reducing recidivism plan, the department has allocated \$250,000 in the current year and the budget year to train inmates as peer educators on various public health care issues, including HIV, AIDS, sexually transmitted disease, and other health issues. The Receiver over medical care has requested that this program be redesigned and enhanced and to be piloted at four institutions.

Reducing Recidivism Plan—Library Awareness Program. As part of the reducing recidivism plan, the department has allocated \$50,000 in the current year and \$272,000 in the budget year to augment and maintain the recreational library book collections at each of the institutions. This funding will provide \$1,500 to each institution in the current year to augment their library collections.

Reducing Recidivism Plan—Recreation and Leisure. As part of the reducing recidivism plan, the department allocated \$396,000 for art supplies and \$165,000 for physical education equipment in the current year and budget year.

Governor's Budget. The Governor's budget proposal does not include any other funding for projects similar to these projects.

Current Year Savings. Staff finds that, because of delays in implementing the new peer education program, there may be some savings in the current year.

Coordination of Arts Program Unclear. Staff finds that numerous Arts in Corrections teachers were eliminated during budget reductions. The department has indicated that in some cases these teachers are now overseeing the bridging programs (independent workbook programs). The department is proposing to purchase art supplies for various institutions, but it is unclear that every institution has a mechanism to deliver the programming to the inmates. Staff finds that art projects can be very beneficial in reaching some inmates that may not function well in traditional academic settings.

Library Issues. Staff finds that library access may be extremely limited at some institutions because of inadequate staffing. Furthermore, it is unclear whether headquarters or individual institutions determine the rules for providing access to the library. Staff has found that access to the library is very limited at some institutions.

Furthermore, staff finds that there are many sources for zero cost or low cost used books and magazines available in the community. For example, many public libraries and used book stores no longer take used book donations. Staff finds that library collections could be enhanced significantly for very little cost if the department developed relationships with communities to acquire unwanted used books and magazines.

Staff Recommendation. Staff recommends that the Subcommittee take the following actions:

- Request that the department report, by May Revision, on how the Arts in Corrections program or other art programs will be implemented.
- Request that the department report, by May Revision, on strategies for collecting used books to supplement the institution library collections.

Rehabilitation and Support Programs: Parole

1. Parolee Employment

Background. In California and nationwide, there is ample research evidence that parolees have difficulty finding and maintaining stable employment. Studies of California parolees have found that from 20 percent to 40 percent of parolees are fully or frequently employed. At any given time, this means that approximately 70,000 to 100,000 parolees do not have regular employment. Correctional experts frequently identify stable housing, sobriety, and employment as key factors in a parolee's success once he or she has been released to the community.

Governor's Budget. The Governor's budget proposal includes \$3.4 million General Fund to replace a reduction in Workforce Investment Act (WIA) funding of the same amount. This funding supports four parolee employment programs and the Female Offender Treatment and Employment Program. In this proposal, the administration presents a four year plan to replace the majority of the WIA funds supporting these programs (currently \$9.7 million) and replace them with General Fund. This proposal would leave the department with only \$2 million in WIA funds by 2010-2011, which is a 77 percent reduction over current funding levels.

LAO Findings. Correctional experts frequently identify stable housing, sobriety, and employment as key factors in a parolee's success once he or she has been released to the community. The LAO finds that the administration has in recent years expanded programs to address homelessness and substance abuse among offenders, but that little has been done to address parolee unemployment. The LAO finds several shortcomings of the current parolee employment-related programs. These shortcomings include the following:

- Capacity of existing programs too limited.
- Evaluation limitations hamper strategic approach.
- Mix of programs to reduce unemployment not most cost-effective.
- Funding structure of Parolee Job Program does not provide incentives for good performance.
- Department could improve casework.

LAO Recommendations. The LAO makes several recommendations to improve the department's parolee employment-related programs. These recommendations include the following:

- Reject proposal to reduce federal WIA funding.
- Target funding to most cost-effective programs.
- Consider other employment assistance models, including adding a social worker to all parole offices.
- Require the department to track employment and program outcomes.
- Improve funding process for job referral programs.
- Clarify policies and procedures regarding parole agents' role in assisting parolees with employment placements.

Staff Recommendation. Staff recommends that the Subcommittee take the following actions:

- Reject Governor's proposal to reduce WIA funding for CDCR programs.
- Request staff, the department, LAO, and DOF work on a package of reforms for the department's parole employment-related programs consistent with the LAO's recommendations.

2. Residential Services

Background. The department currently provides some residential programs for parolees in which job preparation is frequently a component. These programs include: (1) Residential Multi-Service Centers for homeless parolees, (2) Parole Service Centers which are typically used for parole violators, and (3) the Female Offender Treatment and Employment Program (FOTEP) for female parolees with substance abuse problems.

The 2006-07 budget includes \$54 million for the three residential programs listed above, which is enough to serve about 6,400 offenders annually.

Reducing Recidivism Plan—Residential Services. As part of the plan to reduce recidivism, the department included a substantial amount of funding for residential services for parolees. The figure below summarizes the funding proposed to be allocated for these services.

Reducing Recidivism Proposal:				
Residential Services				
<i>In Thousands</i>	2006-07		2007-08	
	Dollars	Positions	Dollars	Positions
Female Residential Multi-Service Centers	\$1,600	0.0	\$13,150	0.0
Additional Parole Agents for Female Centers	0	0.0	611	5.0
Contract Analyst for Female Centers	70	0.8	94	1.0
Community Based Coalition (CBC) - LA County	3,596	0.0	14,044	0.0
Additional Parole Agents for CBC	0	0.0	523	4.0
Additional Staff for CBC	474	5.0	1,707	20.0
Sex Offender Housing	2,213	0.0	2,213	0.0
Total	\$7,953	5.8	\$32,342	30.0

Residential Centers Relatively Expensive. The LAO finds that evaluations of the department's Residential Multi-Service Centers and the Female Offender Treatment and Employment Program did reduce recidivism by about 12 percent. However, the LAO also found that it was one of the less cost-effective programs because providing supportive housing is relatively more expensive because of the level of service being provided.

Furthermore, the department indicates that it regularly does not contract for all of the beds it is funded for, resulting in annual savings. The LAO finds that, in January 2007, the department did

not have contracts for 370 beds funded in the 2006-07 budget, which is approximately \$8.5 million in unused funding annually.

Some Offenders Need Supportive Housing. Staff finds that there are certain populations of offenders that would benefit from supportive housing. Specifically, offenders that suffer from mental illness who are in the Enhanced Outpatient Program while in prison may benefit from residential services that can provide the wrap-around services that they need to successfully re-enter the community. Furthermore, this population is limited from accessing similar types of services provided by the counties because parolees generally do not have access to mental health services funded by the counties. Offenders that suffer from chronic homelessness may also benefit from supportive housing.

Current Year Savings. Staff finds that some of the contracts for additional residential service beds in the current year have been delayed, which will likely result in budgetary savings in the current year.

More Detail on CBC Needed. Very little information has been provided to staff about the Community Based Coalition to provide supportive housing in Los Angeles County. This is a new effort and more information is needed to understand what is planned by the department.

Staff Recommendation. Staff recommends that the Subcommittee take the following actions:

- Request that the department report, by May Revision, on the projected savings in the current year due to delays in activating additional residential beds.
- Request that the department report, by May Revision, with an update of the number of funded residential service beds it does not have contracts for in the current year.
- Request that the department provide, by May Revision, additional detail on the Community Based Coalition in Los Angeles County.
- Request that staff, the department, LAO, and DOF work on an effort to improve the availability of supportive housing placements for parolees with mental illness.

3. Parole Outpatient Clinics

Background. The department provides treatment and supervision to mentally ill parolees through its Parole Outpatient Clinic Program. The mission of the program is to reduce the symptoms of mental illness among parolees, lower the rate of recidivism, and improve public safety. To accomplish these goals, the program supplies clinical services such as evaluations of mental health status, medication management, and individual or group therapy.

Reducing Recidivism Plan—Increasing Clinical Services to Mentally Ill Parolees. As part of the department's plan to reduce recidivism, funding was allocated for additional services for mentally ill parolees. The figure below summarizes how the department plans to allocate this funding.

Reducing Recidivism Proposal:				
Clinical Services to Mentally Ill Parolees				
<i>In Thousands</i>	2006-07		2007-08	
	Dollars	Positions	Dollars	Positions
Additional Psychiatrists	\$430	2.7	\$617	4.0
Additional Psychologists	651	7.0	1,055	12.0
Additional Psychiatric Social Workers	1,756	24.4	2,966	44.0
UCLA Evaluation	125	0.0	125	0.0
Computer Equipment	60	0.0	0	0.0
Total	\$3,022	34.1	\$4,763	60.0

Governor's Budget. The Governor's budget proposal does not include additional funding for this program in the budget year.

Service Linkages Weak. Currently, the department has a separate casework management program that involves a pre-release assessment that will enable the field to better plan for treatment for the offender upon release. This is similar to the COMPAS assessment, but is instead for the population in the Mental Health Delivery System. Staff finds that the department currently does not do pre-release screenings for all of the offenders in the Mental Health Delivery System that are paroling from prison. Studies have found that this reduces the offenders' success in accessing mental health services while on parole.

Mental Health Treatment Mandatory. The department has indicated that with the reducing recidivism expansion to Parole Outpatient Clinics it plans to mandate some mental health treatment for offenders on parole. While staff finds that this effort may increase the likelihood that some parolees will access treatment at the Parole Outpatient Clinics, it is not clear whether it will be a violation of parole that will warrant additional prison time if the offender fails to access services at the Parole Outpatient Clinics. The return to prison for some mentally ill offenders may further exacerbate their mental illness and not work towards stabilizing the offenders mental condition.

Staff Recommendation. Staff recommends that the Subcommittee take the following actions:

- Request that the department report, by May Revision, on its efforts to screen more offenders before they parole.
- Request that the department report, by May Revision, with more details on how it plans to enforce mental health treatment as a mandatory condition of parole.

4. Community Partnerships

Background. The department's community partnership efforts had been reduced over the last several years due to budget reductions. This has reduced the department's ability to partner with local community organizations and governments to deliver services to parolees that will ease the transition from prison into the community.

As part of the reducing recidivism plan, the department issued a statewide Request for Application, in October 2006, to allocate grants to individual initiatives to reduce recidivism of parolees by community-based and governmental entities. These applications were reviewed and scored by an internal expert team. The department awarded grants in December 2006.

Reducing Recidivism Plan—Community Partnership Organization. As part of the reducing recidivism plan, the department proposed to allocate \$575,000 to support six positions in the current and budget years to support and manage the Division of Community Partnerships. The focus of this division is to conduct outreach and helps develop linkages and collaborative relationships with external stakeholders in private/non-profit and public sectors to improve public safety through successful re-entry programming.

Reducing Recidivism Plan—Pilot Projects Grant Program. As part of the reducing recidivism plan, the department proposed to allocate \$750,000 to pilot project grants in the current year, and budget year, to demonstrate innovative, collaborative re-entry programming. The figure below summarizes how the department plans to allocate these grants.

Reducing Recidivism Proposal: Pilot Project Grant Program			
<i>In Thousands</i>	2006-07	2007-08	2008-09
EIMAGO	\$125	\$300	\$300
Fresno Pacific University	50	120	120
Northern California Service League, San Francisco	48	116	116
Northern California Service League, Santa Clara	116	259	259
Options for Recovery Services	121	291	291
PRIDE Industries	30	72	72
Second Chance	75	180	180
Weingart Center Association	125	300	300
Total	\$690	\$1,638	\$1,638

Reducing Recidivism Plan—Inter-Governmental Partnership Grants. As part of the reducing recidivism plan, the department proposed to allocate \$1.4 million on inter-governmental partnership grants to encourage and support local governments in establishing innovative re-entry programming for improved offender outcomes. The figure below summarizes how the department's plan to allocate these grants.

Reducing Recidivism Proposal: Intergovernmental Partnerships			
<i>In Thousands</i>	2006-07	2007-08	2008-09
<i>Program Grants:</i>			
City of LA Community Development Department	\$208	\$500	\$500
City of Oakland	208	500	500
Los Angeles Countywide Criminal Justice Coordinating Committee	208	500	500
San Francisco Sheriff's Department	208	500	500
Santa Barbara Sheriff's Department	113	270	270
Vallejo Police Department	208	500	500
<i>Planning Grants:</i>			
City of San Bernardino Office of the Mayor	42	58	0
City of Pomona Community Development Department	40	55	0
Los Angeles County Sheriff's Department	42	58	0
Madera County District Attorney's Office	13	18	0
Monterey County Workforce Investment Board	42	58	0
Santa Cruz County Alcohol and Drug Program	42	58	0
Total	\$1,374	\$3,075	\$2,770

Governor's Budget. The Governor's budget does not include any additional proposals to support community partnerships.

Community Partnerships are Critical. Building community partnerships are critical to ensuring a successful integration of the offender back into the community. Staff finds that rebuilding the department's community partnership staff will help in building new and expanded community partnerships and will provide more leadership in this area for the department.

Grant Process Unclear. The department has not provided details about how the grants listed above were awarded. It is unclear what criteria were used when awarding the grants and it is unclear what services these grantees will provide to parolees.

Department Proposes Redirecting Funding. The department has awarded grants to local governments and community based organizations that are far in excess of the funding that was allocated to these efforts in the reducing recidivism plan. The department has indicated that it plans to redirect savings from other efforts to fund these programs.

Staff Recommendation. Staff recommends that the Subcommittee take the following actions:

- Request that the department, by May Revision, provide information on what services the grantees will provide.

- Request that the department, by May Revision, provide information on what other reducing recidivism expenditures it plans to redirect to fully fund the grants awarded.

5. Day Reporting Center—San Diego

Background. Day reporting centers are centers that parolees may be required to report to for the work day to participate in programming. These centers provide wrap-around programming such as anger management and life skills, as well as employment assistance. The department currently has one Day Reporting Center in Fresno County. The department indicates that it is pursuing additional centers in San Diego, Los Angeles, and San Francisco.

Reducing Recidivism Plan—San Diego Day Reporting Center. As part of the reducing recidivism plan, the department proposed to allocate \$700,000 in the current year and \$1.4 million in the budget year for a parole day reporting center in San Diego County that will provide a myriad of “wrap-around” services for parolees.

Governor’s Budget. The Governor’s budget does not provide additional funding for additional day reporting centers.

Staff Recommendation. Staff recommends that the Subcommittee take the following actions:

- Request that the department report, by May Revision, on when the San Diego center will be opened and how many parolees it will serve annually.

Substance Abuse Programs

1. Substance Abuse and Crime Prevention Act—Proposition 36

Background. The voters approved Proposition 36, in 2000, to require adult offenders convicted of non-violent drug possession to be sentenced to probation and drug treatment instead of prison, jail, or probation without treatment. Funding for this program, in the current year, is \$120 million. The 2006-07 budget included statutory program reforms including flash incarceration, improved judicial oversight of program participants, and expanded options for offender management. However, these reforms are now being legally challenged in court and have been suspended by judicial injunction. The 2006-07 Budget Act also included \$25 million for the Substance Abuse Offender Treatment Program, which is another substance abuse treatment program. Both of these programs are managed by the Department of Alcohol and Drug Programs.

Governor's Budget. The Governor's budget proposes to cut the funding for the Substance Abuse and Crime Prevention Act (Proposition 36) by 50 percent or \$60 million in the budget year. The budget proposes to redirect \$35 million to the Substance Abuse Offender Treatment Program and the remaining \$25 million would be savings to the General Fund.

Budget Reduction Would Increase Prison Population. The LAO finds that the Proposition 36 program has a 2:1 benefit-cost ratio primarily due to the diversion of offenders from prison. Furthermore, the LAO recommends that the department restore the \$25 million reduction to the Proposition 36 program in the budget year. The LAO recommends reducing the probation grant proposed by the Governor and using those savings to restore the Proposition 36 program.

Staff finds that given the current overcrowding conditions in prison this budget reduction would further exacerbate the costly alternatives the department must pursue in the short-run to deal with overcrowding, including transferring inmates out of state.

Furthermore, a recent survey of all counties found that the current funding level for the Proposition 36 program is not adequate to serve all of the non-violent drug possession offenders that would qualify for this program. Staff finds that if this program was expanded beyond the \$120 million it would likely provide additional significant savings from diverting additional offenders from prison.

Staff Recommendation. Staff recommends that the Subcommittee take the following action:

- Hold this issue open.
- Request that the DOF report, by May Revision, with input from the department, on the projected increased costs to the prison system as a result of reducing funding for drug treatment funded by the Department of Alcohol and Drug Programs.

2. In-Prison Substance Abuse Programs

Background. In February 2007, the Office of the Inspector General released a report that made several findings about the \$36 million in-prison substance abuse programs. The findings include the following:

- Numerous studies have shown that in-prison substance abuse treatment programs have little or no impact on recidivism. Moreover, the department has had this information for years, but has failed to correct deficiencies.
- Responsibility for the failure of the substance abuse treatment programs rests with the department because it fails to hold providers accountable for meeting contract terms and places the programs in settings that undermine the treatment model.
- The bidding process used by the Office of Substance Abuse Programs to select in-prison substance abuse program providers neither fosters competition nor ensures that the state receives the highest quality services for the lowest possible price. Elements of the process also violate state contracting law.
- Poor fiscal controls and mismanagement of the Office of Substance Abuse Programs have encouraged inappropriate spending and enabled contractors to abuse the department's budget policies.
- The Office of Substance Abuse Programs has failed to adequately monitor in-prison substance abuse program providers for compliance with contract terms and has not established a quality improvement process to identify improvement opportunities.

Reducing Recidivism Plan—Kern Valley State Prison Substance Abuse Program. As part of the reducing recidivism plan, the department has allocated funding to establish a substance abuse program at Kern Valley State Prison. The figure below summarizes how the funding will be allocated.

Reducing Recidivism Proposal:				
Substance Abuse Program at Kern Valley State Prison				
<i>In Thousands</i>	2006-07		2007-08	
	Dollars	Positions	Dollars	Positions
Additional Correctional Counselors	\$190	1.7	\$190	1.7
Additional Parole Agents	163	1.5	163	1.5
Treatment Slots	3,205	0.0	3,205	0.0
Additional Positions	216	3.0	216	3.0
Total	\$3,774	6.2	\$3,774	6.2

Reducing Recidivism Plan—Substance Abuse Expansion. As part of the reducing recidivism plan, the department has allocated additional funding to expand substance abuse programs at Sierra Conservation Center, Chuckawalla Valley State Prison, and Substance Abuse Treatment Facility. The figure below summarizes how the funding will be allocated.

Reducing Recidivism Proposal:				
Substance Abuse Program Expansion				
<i>In Thousands</i>	2006-07		2007-08	
	Dollars	Positions	Dollars	Positions
Additional Correctional Counselors	\$95	0.8	\$115	1.0
Additional Parole Agents	193	1.7	350	2.0
Treatment Slots	1,308	0.0	5,232	0.0
Equipment for Substance Abuse Program	41	0.0	0	0.0
Equipment for Parole Agents	2	0.0	0	0.0
Total	\$1,639	2.5	\$5,697	3.0

Governor's Budget. The Governor's budget proposal does not include additional funding to expand the in-prison substance abuse programs.

Overcrowding Impacts Therapeutic Community. One thing that has contributed to the lack of success of the in-prison substance abuse programs is that there is often not an opportunity to create a therapeutic community because of the need to mix inmates participating in the substance abuse program with inmates that are not in the program. The presence of inmates that are not in the substance abuse program limits the substance abuse provider's ability to create a therapeutic community. The department has indicated that its efforts to expand the substance abuse programs at Sierra Conservation Center, Chuckawalla Valley State Prison, and Substance Abuse Treatment Facility have been to get inmates out of the living unit that were not part of the substance abuse program. They indicate that they have created 484 more substance abuse beds with this expansion funding.

Strategic Thought Needed on Placement of Program. The department has indicated that it is evaluating whether Kern Valley State Prison is the best location for a new substance abuse program. This prison has a Level IV mission and more often is on restrictive programming than other prisons with different missions. Staff finds that there will likely be savings in the current year due to the delays in activating a new substance abuse program.

Staff Recommendation. Staff recommends that the Subcommittee take the following actions:

- Request that the department report, by May Revision, on the savings estimated in the current year from not activating a new substance abuse program at Kern Valley State Prison.

3. Drug Treatment Furlough

Background. The department was given authority to contract for 1,500 drug treatment furlough beds in the 2003-04 Budget Act. These placements are only available to certain non-serious non-violent offenders for placement 120 days prior to their release from prison. The department reports that it currently has contracts for 426 beds.

The department has been funding these beds using its Substance Abuse Service Contract Agencies (SASCA) provider contracts that provide the department with aftercare services. The department has not been able to utilize all of the funding provided for these services so the contract did not have to be amended to accommodate these additional Drug Treatment Furlough beds.

Governor's Budget. The population estimate included in the Governor's budget provides \$10.9 million General Fund to support the 426 Drug Treatment Furlough beds in the budget year. The department indicates that this increase is needed because there will no longer be an excess of SASCA contracts available because of the new legislation (SB 1453, Speier) that requires mandatory aftercare as a condition of parole for certain parolees.

Department Underutilizes Drug Treatment Furlough Beds. Staff finds that the department could place over 1,000 additional inmates in drug treatment furlough. The department indicates that it has a significant number of inmates that would qualify for this placement and it would help to marginally relieve some overcrowding. Unfortunately, the department has indicated that it sometimes has a difficult time identifying the inmates in the population that are eligible so these beds never get filled. Staff finds that the department should figure out how to identify inmates eligible for drug treatment furlough and attempt to fill all 1,500 beds in order to contribute to efforts to reduce overcrowding in the institutions.

Staff Recommendation. Staff recommends that the Subcommittee take the following actions:

- Hold open the population estimate proposal pending May Revision.
- Request that the department report, by May Revision, on strategies to improve its ability to fill more drug treatment furlough beds.

4. Mandatory Conditions of Parole

Background. Legislation (SB 1453, Speier) enacted in 2006 required, as a mandatory condition of parole, aftercare for some parolees. The legislation requires that non-serious, non-violent, non-sex offender inmates who have completed in-prison drug treatment programs should, whenever possible, upon release from prison, be placed in a 150-day residential aftercare program. If the inmate successfully completes the 150-day program, the bill requires that he or she may be discharged from parole.

Reducing Recidivism Plan—Mandatory Conditions of Parole. As part of the reducing recidivism plan, the department proposes to allocate some funding for increasing aftercare opportunities for some parolees as mandatory conditions of parole. The figure below summarizes how the funding will be allocated.

Reducing Recidivism Proposal:				
Mandatory Conditions of Parole				
<i>In Thousands</i>	2006-07		2007-08	
	Dollars	Positions	Dollars	Positions
Additional Board of Parole Staff	\$233	2.6	\$344	4.0
Additional Parole Agents	98	0.8	131	1.0
Additional Substance Abuse Staff	497	7.7	599	10.0
Additional Correctional Officers	210	2.6	326	4.0
Additional Case Records and Institution Staff	308	5.6	406	8.0
Evaluation Contract	200	0.0	400	0.0
Aftercare Contract	1,275	0.0	5,100	0.0
Total	\$2,821	19.3	\$7,306	27.0

Governor's Budget. The Governor's budget includes \$12.2 million General Fund (\$10.9 million in the population estimate and \$1.3 million in a budget change proposal) in additional funding to implement SB 1453 that requires mandatory residential aftercare programs for some offenders. The majority of these funds will be used to maintain the current level of drug treatment furlough beds (see discussion above).

Further Expanding Aftercare. The department proposed to fund mandatory aftercare for some offenders before SB 1453 was enacted by the Legislature. The department indicates that it is now looking at utilizing these funds to expand aftercare to offenders that do not qualify for SB 1453 because they had a violent commitment offense. This would enable the department to reach additional offenders that would benefit from aftercare. (However, parolees that do not qualify for SB 1453 would not automatically qualify to be discharged from parole.)

It is not clear that all of this funding will be needed in the current year due to delays in implementing this program.

Staff Recommendation. Staff recommends that the Subcommittee take the following actions:

- Request that the department report, by May Revision, on current year savings related to this proposal.
- Approve the Governor's budget proposal to fund SB 1453.

Health Care Issues

1. *Plata* Lawsuit Compliance

Background. In April 2001, *Plata v. Davis* was filed in federal court contending that the California Department of Corrections and Rehabilitation (CDCR) was in violation of the Eighth (prohibits cruel and unusual punishment) and Fourteenth (right to due process and equal protection) Amendments to the United States Constitution by providing inadequate medical care to prison inmates. Some specific examples of key issues raised in the case include: (1) the lack of nationally recognized medical guidelines for managing inmates with chronic illnesses; (2) inappropriate and inconsistent medical follow-up visits; (3) inadequate number of registered nurses; and (4) poor coordination between medical and custody staff.

In January 2002, the state entered into a settlement agreement, committing to significant changes in the delivery of health care services to inmates. Generally, the settlement agreement focuses on improving inmate access to health care, as well as the quality of health care services provided in the prisons. Under the agreement, independent court-appointed medical experts monitored the implementation of the agreement, and periodically reported to the court on the state's progress in complying with the agreement.

In September 2004, the federal court issued an order finding significant deficiencies in the department's efforts to implement the terms of the settlement agreement and, in June 2005, the federal court decided to appoint a Receiver to manage CDCR's health care system. The Receiver will manage CDCR's health care system until the department proves to the court that it is capable and willing to manage a constitutional health care system or contract out for a similar level of care. The current Receiver, Robert Sillen, was appointed by the federal court in February 2006.

Previous Funding for *Plata* Lawsuit Compliance. To date, the Legislature has provided approximately \$299 million General Fund to implement efforts to improve the medical health care delivery system and comply with the *Plata* lawsuit.

In the 2006-07 Budget Act, the Legislature decided to appropriate \$100 million in unallocated funds that would be expended as directed by the Legislature. The Joint Legislative Budget Committee is notified when the Receiver wishes to allocate these monies. To date, the Joint Legislative Budget Committee has received notifications to transfer \$60.4 million from the unallocated funds set aside in the 2006-07 Budget Act. The figure below summarizes how the funding has been allocated in the current year.

Plata Litigation-Driven Expenditures
Expenditures Directed by the Receiver
2006-07

<i>(Dollars in Millions)</i>	2006-07
Court order to increase medical staff salaries, except for doctors	\$24.7
Establish 300 LVN positions	12.3
Software and services to implement the Health Care Contracts Document Management system	5.7
Receiver's operating budget	6.3
Establish 41 positions at San Quentin for the Receiver's project at San Quentin	3.0
Establish 90 leadership and tracking health care positions	2.9
Establish 50 positions at Avenal State Prison	1.5
Establish 35 medical positions at Deuel Vocational Institute	1.2
Establish 16 RN positions at the Correctional Training Facility	1.2
Establish 20.3 positions at Avenal State Prison and 17.2 positions at Sierra Conservation Center	0.9
Funding to the Office of Facilities Management for EIR on San Quentin Project	0.5
Establish various other positions at San Quentin	0.2
Establish two nurse positions at Corcoran	0.1
Total	\$60.352

Current Year Funding. The Governor's budget includes allocation of an additional \$50 million in unallocated funds to be expended upon direction by the Receiver in the current year. This funding is in addition to the \$100 million in unallocated funds allocated in the 2006-07 Budget Act.

The budget also includes \$1.3 million General Fund to provide commensurate salary increases for medical classifications at Division of Juvenile Justice institutions for the current year.

The funding for the Division of Juvenile Justice salary enhancements will likely be included in a Supplemental Appropriations Bill.

Governor's Budget. The Governor's budget proposal includes an additional \$150 million in unallocated funds to be expended upon direction by the Receiver in 2007-08.

In addition, the budget includes the full-year costs of some of the expenditures directed in the current year by the Receiver (see list above). The full-year costs in 2007-08 of expenditures funded in the current year, through January 2007, are \$54.6 million General Fund. The budget proposal does not include additional full-year costs for current year expenditures starting in February 2007.

The budget also includes full-year costs associated with the Division of Juvenile Justice salary enhancements, which is \$1.5 million in the budget year.

Staff Recommendation. Staff recommends that the Subcommittee take the following actions:

- Approve \$1.5 million for Division of Juvenile Justice salary increases for medical classifications.
- Approve \$29.6 million for salary increases for other CDCR medical classifications.

2. *Coleman* Lawsuit Compliance

Background. In June 1991, *Coleman v. Wilson* was filed in federal court contending that CDCR was in violation of the Eighth (prohibits cruel and unusual punishment) and Fourteenth (right to due process and equal protection) Amendments to the United States Constitution by providing inadequate mental health care to prison inmates. *Coleman v. Wilson* alleged that the department's mental health care system was inadequate in several areas, including intake screening, access to care, treatment, and record-keeping.

As a result, in 1994, the Federal Court ordered the department to develop a remedial plan to correct these deficiencies. The plan developed by the department is referred to as the Mental Health Services Delivery System (MHSDS). The intent of the MHSDS is to provide timely, cost-effective mental health services that optimize the level of individual functioning of seriously mentally disabled inmates and parolees in the least restrictive environment. At this time, the court also appointed a Special Master to oversee the implementation of the plan. The current Special Master is J. Michael Keating Jr.

In 1997, CDCR issued a preliminary version of the MHSDS Program Guide, which established preliminary policies and procedures to provide constitutionally adequate mental health services at all CDCR institutions. This Program Guide has been amended several times since 1997 under directives by the federal court. The court has found that successful implementation of the MHSDS Program Guide will require capital improvements at many institutions. The department has developed a Mental Health Bed Plan to address the capital outlay improvements that are needed. An amended version of the Mental Health Bed Plan was released at the end of January 2007.

Previous Funding for *Coleman* Lawsuit Compliance. To date, the Legislature has provided approximately \$158 million General Fund to implement efforts to strengthen the department's mental health services and comply with the *Coleman* lawsuit.

Current Year Funding. The Governor's Budget proposal includes \$24.1 million General Fund to implement various court-ordered actions, immediately, in the current year. These actions include the following:

- **Salary Enhancements.** \$19.2 million General Fund to support salary enhancements for certain mental health classifications. This includes commensurate pay increases for all mental health classifications in the adult institutions, juvenile institutions, and parole operations. Classifications impacted include the following:
 - Chief Psychiatrist
 - Senior Psychiatrist

- Staff Psychiatrist
- Chief Psychologist
- Senior Psychologist
- Clinical Psychologist
- Supervising Psychiatric Social Worker
- Clinical Social Worker
- Senior Psychiatric Technician
- Psychiatric Technician
- Recreation Therapist

These pay increases impacted 1,535 positions in the adult institutions, 71 positions in the juvenile institutions, and 282 positions in parole operations.

- **Reception Center Enhanced Outpatient Program Services.** \$2.8 million General Fund to support partial year funding for 67.7 positions in the current year to deliver treatment to Enhanced Outpatient Program inmates (inmates with serious mental illnesses, such as Schizophrenia) at reception centers.
- **Administrative Segregation Intake Cell Conversions.** \$2 million General Fund to support four positions to oversee the retrofit of the vents in 340 administrative segregation cells in the max-security administrative segregation units (also called stand-alone administrative segregation units). The funding will also be used to design the conversion of an additional 340 cells in regular administrative segregation units to administrative segregation unit intake cells that include, new concrete bed slabs, the elimination of all in-cell protrusions, replacement of light fixtures, and modification of cell doors to increase visibility.

The department indicates that it has redirected \$110,000 in special repair funds in the current year to replace the vent screens in 66 cells in max-security administrative segregation units.

The funding allocations listed above will likely be appropriated in a Supplemental Appropriations Bill in the upcoming months.

In addition, after the budget was enacted in 2006, the Legislature enacted supplemental legislation (SB 1134, Budget) to provide \$35.5 million to partially fund 551.8 new positions established to fund the Revised Program Guide as ordered by the court in the *Coleman* lawsuit.

Governor's Budget. The Governor's budget proposal includes \$112.3 million General Fund to support various court-ordered actions to comply with the *Coleman* lawsuit in the budget year. These proposals include the following:

- **Salary Enhancements.** \$50.6 million General Fund for the full-year costs to support salary enhancements for certain mental health classifications (listed above).
- **Reception Center Enhanced Outpatient Program Services.** \$5.1 million General Fund to support the full-year costs to support 67.7 positions to deliver treatment to Enhanced Outpatient Program inmates at reception centers.

- **Administrative Segregation Intake Cell Conversions.** \$12.8 million General Fund to support the construction associated with converting 340 cells in regular administrative segregation units to administrative segregation intake cells. The required modifications are listed above under current year funding for this project.
- **Revised Program Guide.** \$40.2 million General Fund funds the full-year costs associated with the 551.8 positions funded in SB 1134. This is a \$4.8 million increase above what was allocated in SB 1134.

Savings From Vacancies Likely. The department has historically had a huge problem recruiting qualified mental health staff. The recent pay raises may help to improve recruitment. However, there is generally a shortage of mental health staff statewide. Staff finds that the department continues to have significant vacancies in mental health staff and will likely have some savings in the current year due to the number of vacant positions.

Available Treatment Space at Reception Centers Unknown. The department is in the process of implementing treatment for Enhanced Outpatient Program inmates at Reception Centers. However, it is unclear to staff that there is available space at reception centers for treatment. This is especially a problem at the older reception center institutions (San Quentin State Prison) where there is not a lot of viable space for programming. Furthermore, there is also generally a lack of office space available for the additional clinical staff the department needs to hire to implement these new programs.

Max-Security Administrative Segregation Units. The court in the *Coleman* case has ordered that no inmates in the Mental Health Delivery System (Enhanced Outpatient Program and Correctional Clinical Case Management System) can be held in the new max-security administrative segregation units (also called stand-alone administrative segregation units). The Subcommittee learned, at its April 12 hearing, that the department's in-fill bed plan includes 2,250 additional beds in new max-security administrative segregation units. Staff finds that the construction of these beds does not provide the department with a lot of flexibility since only some inmates can be placed in these units because of the cell design. This means that at institutions that have the max-security administrative segregation units they will have to maintain an alternative administrative segregation unit for the inmates in the Mental Health Delivery System.

Staff finds that before the department builds additional administrative segregation units it may want to modify its design so that they can use these units for the department's entire population, when appropriate.

Staff Recommendation. Staff recommends that the Subcommittee take the following actions:

- Request that the department report, by May Revision, on the savings in the current year from staff vacancies.
- Request that the department report, by May Revision, with a strategy to modify the new stand-alone administrative segregation units to be compliant with the *Coleman* court.
- Approve funding for the salary enhancements.
- Approve funding for the Reception Center Enhanced Outpatient Program.

- Approve funding for the administrative segregation unit intake cell conversions.

3. *Perez* Lawsuit Compliance

Case Summary. In December 2005, *Perez v. Hickman* was filed in federal court contending that CDCR was in violation of the Eighth amendment of the United States Constitution by providing inadequate dental care to prison inmates. Some specific examples of key issues raised in the *Perez* class-action lawsuit include: (1) inadequate numbers of dentists and dental assistants; (2) lack of proper training and supervision of staff; (3) insufficient dental equipment such as examination chairs and x-ray machines; (4) poorly organized inmate dental records; and (5) unreasonably long delays for inmates to receive dental treatment, including prisoners with dental emergencies.

The lawsuit was filed concurrently with a settlement agreement reached between the state and the plaintiffs. The agreement committed the state to implement significant changes in the delivery of dental care services to inmates. The agreement requires the department to implement a number of newly developed policies and procedures at all 33 state prisons over a six-year period, beginning with 14 prisons in July 2006. The agreement focuses on improving inmate access to dental care, as well as the quality of dental care services provided in the prisons. For example, the policies and procedures require the department to treat inmates within specified time frames according to the severity of the dental problem and set standards of care that prison dental staff must provide.

In August 2006, the federal court issued a revised order that, among other things, required a lower dental staff to inmate ratio. Currently, there are 950 inmates to one dentist and one dental assistant. The court has ordered this ratio lowered to 515 inmates. The order also directed the department to prepare a revised implementation plan for complying with the settlement agreement.

Generally, the policies and procedures modify or reiterate existing state regulations. For example, under the agreement, the department is required to provide a dental examination to inmates within 90 days of arriving at an institution from a reception center and provide subsequent examinations annually for inmates over 50 years of age and biennially for inmates under 50. Title 15 of the California Code of Regulations currently requires examinations within 14 days of an inmate's arrival; current requirements for subsequent inmate dental examinations are consistent with the settlement agreement. According to the department, none of the 33 prisons currently complies with the policies and procedures.

Previous Funding for *Perez* Lawsuit Compliance. To date, the Legislature has provided approximately \$35.4 million General Fund to implement efforts to strengthen the department's dental services and comply with the *Perez* lawsuit.

Current Year Funding. The Governor's budget proposal includes \$18.8 million General Fund to implement salary increases for dental classifications. This includes commensurate pay increases for all dental classifications in the adult institutions and juvenile institutions for the following classifications:

- Dental Assistant
- Dental Hygienist
- Dentist
- Oral Surgeon
- Supervising Dental Assistant
- Supervising Dentist
- Chief Dentist
- Regional Dental Director
- Statewide Dental Director

These pay increases will impact 719 positions at adult institutions and 28 positions in the juvenile institutions in the current year.

Governor's Budget. The Governor's budget proposal includes \$78.7 million General Fund to support the following two actions to comply with the *Perez* lawsuit in the budget year. The proposals include the following:

- **Salary Enhancements.** \$57.8 million General Fund to provide increased salaries for selected dental classifications (see above).
- **New Dental Staffing Ratios.** \$20.9 million General Fund for partial funding to support 231 new positions to meet the new lower inmate to dentist ratios (515:1). This funding will support 77 dental staff and 102 custody staff.

LAO Recommendation. The LAO recommends that the Subcommittee withhold action on the salary enhancements for the dental classifications pending a court order.

Savings From Vacancies Likely. Staff finds that the department currently has a 57 percent vacancy rate at the first 14 institutions where it has implemented the reduced inmate to dentist staffing ratios. The department has a 40 percent vacancy rate for all of the other institutions. Staff finds that a salary increase would help to fill these vacancies. Staff finds that the department will likely have some savings in the current year due to the number of vacant dental positions.

Staff Recommendation. Staff recommends that the Subcommittee take the following actions:

- Request that the department report, by May Revision, on savings in the current year related to salary savings.
- Hold open the salary enhancement proposal pending a court order or amended collective bargaining agreement.
- Approve funding to reduce the inmate to dentist staffing ratio.

Other Issues

1. Classification Services Unit Training

Background. The classification process within CDCR consists of an analysis and review of individual case factors to determine an inmate's placement score, custody level, and work/privilege group. These case factors determine the housing and rehabilitative program eligibility of each inmate.

Governor's Budget. The Governor's budget proposal includes \$800,000 in General Fund to address immediate training needs of correctional counselors and to develop a comprehensive training plan for these classification staff to ensure a greater degree of safety and security.

Staff Comments. Staff finds that classification is a critical step in the process and directly impacts the department's ability to match up inmates with safe living placements and appropriate programming opportunities. Staff finds that as part of the reducing recidivism plan the department is planning on implementing a pilot project to use the COMPAS assessment to identify risk level and program needs at four reception centers. Staff finds that classification staff will need to be trained on how to use this new information within their existing process.

Staff Recommendation. Staff recommends that the Subcommittee approve this budget request.

2. Redirection of Positions to the Office of Inspector General

Previous Subcommittee Action. At a March 1 hearing, this Subcommittee approved \$1.8 million in General Fund money to augment the Inspector General's auditing resources.

Governor's Budget. The Governor's budget proposes to redirect 10 office technician positions and \$1.8 million General Fund to support expanded auditing in the Office of the Inspector General. These positions and funding were taken from various program areas throughout the department.

Staff Comments. The administration has not provided information to justify the elimination of these office technician positions. However, the department reports that it currently has a 20 percent vacancy rate in its office technician classification. This equates to approximately 313 vacant positions and \$17 million in salary savings. It is unclear to staff whether the department is using this salary savings to fund other budget items in the current year.

Staff Recommendation. Staff recommends that the Subcommittee take the following actions:

- Eliminate 10 office technician positions and reduce the department's budget by \$1.8 million in the budget year.
- Request that the department report on how it is using the salary savings from vacant office technician positions in the current year.

3. Workers' Compensation Staffing

Background. In the 2005-06 Budget Act, the department was provided with 29 positions to coordinate the "Return to Work" program at the department. These positions were created on a limited-term basis to address one-time workload associated with reducing the backlog of Workers' Compensation claims.

Governor's Budget. The Governor's budget includes a proposal to convert 29 limited-term positions to permanent positions. The department is not requesting additional funding for these positions.

Staff Comments. Staff finds that with the additional positions allocated to the department in the 2005-06 Budget Act it has been able to employ active claims management strategies to contain workers' compensation expenditures. The department has reviewed a large portion of the low-activity claims and is taking actions to close these claims. In 2005-06, the department had over \$188 million in workers' compensation claims, which was over 40 percent of the total for all state agencies.

Staff Recommendation. Staff recommends that the Subcommittee approve this budget request.

4. New Undersecretary for Program Support

Background. The Subcommittee heard a significant amount of testimony at its March 15 hearing regarding the deficiencies in its core business services. The department currently has one undersecretary that oversees all programs and functions in the department.

Finance Letter. A Finance Letter (dated March 29, 2007) requests \$316,000 to fund a new undersecretary position of program support and two support positions.

Staff Comments. Staff finds that CDCR is one of the largest departments in state government with 65,000 authorized positions and a budget of over \$10 billion General Fund. Staff finds that an additional undersecretary position is justified to help manage a department of this size.

Staff Recommendation. Staff recommends that the Subcommittee approve the Finance Letter proposal to establish a new undersecretary.